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In re Application of
MUKADDAM et al.
Application No.: 10/588,930
Filing Date: 09 August 2006
Attorney Docket No.: WLI-001A
For: ULTRAVIOLET LASER SYSTEM FOR
DECOMPOSING CHEMICAL POLLUTANTS

DECISION

This is in response to applicant's Petition to Accept Application as Filed to Convert to a §111(a) application, filed in the United States Patent and Trademark Office on 14 September 2007.

BACKGROUND

On 22 March 2005, applicant filed international application PCT/US05/09500, which claimed a priority date of 25 March 2004. The thirty month period for paying the basic national fee expired at midnight on 22 September 2006.

On 09 August 2006, applicant filed two transmittal letters for entry into the national stage in the United States which were accompanied by, *inter alia*, the U.S. Basic National Fee. The files were assigned serial numbers 10/588,930 (attorney reference number WLI-001A) and 10/588,933 (attorney reference number WLI-001B). Application 10/588,933 proceeded as the national stage of PCT/US05/09500.

On 06 November 2006, a decision was mailed to applicant indicating that the end result for an international application designating the United States of America is a single U.S. national stage application. Therefore, the submission of two sets of national stage papers to enter the United States was improper. Applicant was instructed to advise the USPTO regarding treatment of the second set of national stage papers.

On 14 September 2007, applicant filed the instant petition under 37 CFR 1.182 to requesting treatment of the application papers under 35 U.S.C. 111(a) filed on 09 August 2006 in the above referenced application. On 08 December 2006, applicant filed an amended specification.

DISCUSSION

Applicant's instructions indicate that the papers assigned application no. 10/588,930 should be treated as filed under 35 U.S.C. 111(a). In view of the above, it is proper to treat the initial filing of 10/588,930 as a filing under 35 U.S.C. 111(a). *See* MPEP 1893.03(a).

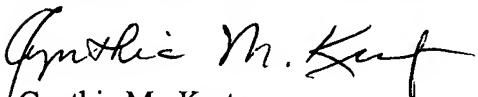
To claim benefit under 35 U.S.C. 120 and 365(c) of the filing date of the international

application for the common subject matter, this application (Serial No. 10/588,930) and the international application (PCT/US05/09500) designating the United States must be copending. Upon review, these applications were copending on 09 August 2006.

In order to obtain benefit of the earlier international application, applicant must make reference to the previous application and state the relationship. The required reference may either be in an application data sheet or the specification must contain or be amended to contain such reference in the first sentence. Here, applicant submitted an appropriate passage in the submission filed on 8 December 2006: "This is a Continuation of International Patent Application PCT/US05/09500, filed March 22, 2005, and claims priority to U.S. provisional patent application Serial no. 60/556,463, filed March 25, 2004."

Applicant is reminded that in order to perfect the claim for priority under 35 U.S.C. 119, applicant must submit a certified copy of the priority document. The certified copy of priority document submitted to the International Bureau cannot be relied upon to perfect the claim for priority. See MPEP §1896.

This application will be forwarded to the Office of Initial Patent Examination (OIPE) for further processing and to accord a filing date of 09 August 2006.



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